

### III. AMENDMENTS TO THE CLAIMS

#### MARKED VERSION OF CLAIMS WITH PRESENT STATUS DELINEATED

- THE CLAIMS ARE HEREIN AMENDED, CANCELED, OR ADDED TO, SO AS TO EVENTUATE IN THE NEW SET OF PENDING CLAIMS INDICATED BELOW. THIS LISTING OF CLAIMS WILL REPLACE ALL PRIOR VERSIONS AND LISTING OF CLAIMS IN THE APPLICATION.

-- The status of each claim is indicated after the claim number by use of a parenthetical identifier selected from: (Original) [claim filed with original specification], (Currently amended) [claim being amended in the current amendment], (Canceled) [claim canceled or deleted in current amendment or previously], (Withdrawn) [non-elected claim], (Withdrawn - currently amended) [non-elected claim that is currently amended], (Previously presented) [a generic identifier to cover any claim that was previously added or amended in an earlier amendment paper], (New) [claim being added in the current amendment paper], and (Not entered) [claim presented in a previous un-entered amendment]. Claim text is provided for each claim in the listing except for the claims status “canceled” or “not entered.” Only claims having the status of “Currently amended” or “Withdrawn - currently amended” include markings to indicate changes that have been made relative to the immediate prior version of the claims. The text of any deleted matter is shown by strike-through, except that double brackets placed before and after deleted characters of five or fewer consecutive characters may be used. The text of any added subject matter is shown by underlining the added text. Claims that were previously canceled that are reinstated here, if any, are reinstated by adding the claim as a “(New)” claim with a new claim number.

**WHAT IS CLAIMED IS:**

1. (Previously presented) An IC card comprising a substrate, said substrate having a semiconductor integrated circuit and one or more optical data deformations incorporated therein that are representative of digital data; the optical data deformations being associated with a transient optical state change security material.
2. - 3. (Cancelled)
4. (Previously presented) The IC card of claim 1 wherein the transient optical state change material is associated with the optical data deformations to provide at least two optical data reads when optical data deformations are read by an optical reader.
5. (Previously presented) The IC card of claim 4 wherein each of the optical data reads is indicative of valid data.
6. (Original) The IC card of claim 4 wherein one optical data read is indicative of valid data, while the other optical data read is indicative of invalid data.
7. (Previously presented) The IC card of claim 4 wherein each of the optical data reads is invalid.
8. (Previously presented) The IC card of claim 4 wherein the optical data deformations comprise pits and lands.
9. (Original) The IC card of claim 8 wherein said pits comprise pits of two distinctly different depths.
10. (Previously presented) The IC card of claim 8 wherein at least one pit acts as a Fabry-Perot type interferometer.
11. (Currently Amended) A method for authenticating an item comprising the steps of: (a) detecting [[on]] an item, or a[n] substrate associated with the item, or a transient optical state change material associated with an optical data deformation, (b) determining the locations of

such state change materials on the authentic item or substrate associated with the item, and (c) declaring the item as authentic when such detection occurs and the transient optical state change material is found at the same locations as an authentic item.

12. (Previously presented) The method of claim 11 wherein the transient optical state change material is associated with an optical data deformation in a manner to change the optical read of such deformation between at least two optical states when such optical data deformations are read by an optical reader.

13. (Previously presented) The method of claim 11 wherein the optical data change is transient as the transient optical state security change material reverts back from an optical state to an initial optical state within a time interval.

14. (Currently amended) The method of claim 12 wherein the optical deformations comprise pits of ~~various~~ distinctly different depths so as to control reflectivity of the reader light.

15. (Previously presented) The method of claim 13 wherein the time interval between optical states may be predetermined.